

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

OKLAHOMA STATE CONFERENCE OF THE
NAACP,

Plaintiff

v.

No. 21-cv-0859

JOHN M. O'CONNOR, *in his official capacity as*
Oklahoma Attorney General, &

DAVID PRATER *in his official capacity as* District
Attorney of Oklahoma County

Defendants.

ANSWER

Defendants, by and through counsel, submit the following Answer to Plaintiff's Complaint (Doc. 001) served on September 14, 2021. Defendants deny every factual allegation unless specifically admitted herein, and further answer the individual allegations as follows:

1. The allegations set forth in ¶¶ 1-4 state opinions, argument, and legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied.
2. The allegations set forth in ¶¶ 5-6 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied.
3. Defendants admit venue is proper as asserted in ¶ 7.
4. Defendants are without sufficient knowledge to admit or deny the allegations contained in ¶¶ 8-10, and they are therefore denied.

5. Defendants are without sufficient knowledge to admit or deny the allegations contained in ¶¶ 11-12, which also include legal conclusions to which no response is required, and they are therefore denied.
6. Defendants are without sufficient knowledge to admit or deny the allegations contained in ¶ 13, and they are therefore denied.
7. The allegations set forth in ¶¶ 14-15 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied.
8. Defendants are without sufficient knowledge to admit or deny the allegations contained in ¶ 16, and they are therefore denied.
9. The allegations set forth in the last sentence of ¶ 17 state a legal conclusion to which no response is required. To the extent a response is necessary, the allegations are denied. Defendants are without sufficient knowledge to admit or deny the remaining allegations contained in ¶ 17, and they are therefore denied.
10. The allegations set forth in ¶ 18 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied. Defendants are without sufficient knowledge to admit or deny the remaining allegations contained in ¶ 18, and they are therefore denied.
11. The allegations set forth in the first sentence of ¶ 19 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied. Defendants are without sufficient knowledge to admit or deny the factual allegations contained in ¶ 19, and they are therefore denied.

12. The allegations set forth in ¶ 20 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied. Defendants are without sufficient knowledge to admit or deny the factual allegations contained in the last sentence of ¶ 20, and they are therefore denied.
13. The allegations set forth in the first sentence of ¶ 21 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied. Defendants are without sufficient knowledge to admit or deny the factual allegations contained in ¶ 21, and they are therefore denied.
14. The allegations set forth in the first sentence of ¶ 22 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied. Defendants are without sufficient knowledge to admit or deny the factual allegations contained in ¶ 22, and they are therefore denied.
15. The allegations set forth in ¶ 23 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied. Defendants are without sufficient knowledge to admit or deny the factual allegations contained in ¶ 23, and they are therefore denied.
16. Defendants are without sufficient knowledge to admit or deny the allegations contained in ¶¶ 24-25, and they are therefore denied.
17. The allegations set forth in ¶¶ 26-28 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied. Defendants

are without sufficient knowledge to admit or deny the factual allegations contained in ¶¶ 26-28 and they are therefore denied.

18. Defendants are without sufficient knowledge to admit or deny the allegations contained in ¶ 29, and they are therefore denied.
19. The allegations set forth in ¶ 30 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied.
20. Defendants admit the allegations contained in the first sentence of ¶ 31. The remaining allegations set forth in ¶ 31 state legal conclusions to which no response is required. To the extent a response is necessary, the allegations are denied.
21. The allegations set forth in ¶¶ 32-36 state legal conclusions to which no response is required. To the extent a response is necessary, any factual allegations are denied.
22. The allegations in ¶ 37 state legal conclusions to which no response is required. To the extent a response is necessary, Defendants do not dispute that the Governor signed the bill into law in April 2021, but any other factual allegations are denied.
23. The allegations set forth in ¶¶ 38-46 state legal conclusions to which no response is required. To the extent a response is necessary, any factual allegations are denied.
24. The allegations in ¶ 47 contain a mix of legal conclusions and factual allegations. The legal conclusions require no response. Defendants are without sufficient information to admit or deny the factual allegations, and they are therefore denied.
25. The allegations in ¶ 48 state legal conclusions to which no response is required. To the extent a response is necessary, any factual allegations are denied.

26. The allegations in ¶ 49 contain a mix of legal conclusions and factual allegations. The legal conclusions require no response, and the factual allegations are denied.
27. Defendants are without sufficient knowledge to admit or deny the allegations contained in ¶¶ 50-51, and they are therefore denied.
28. The allegations in ¶ 52 contain a mix of legal conclusions and factual allegations. The legal conclusions require no response, and the factual allegations are denied.
29. The allegations in ¶¶ 53-55 state legal conclusions to which no response is required. To the extent a response is necessary, any factual allegations are denied.
30. The allegations in ¶ 56 set forth no factual allegations or legal conclusions of its own. To the extent that it incorporates prior allegations, the prior responses to ¶¶ 1-55 are also incorporated in response to it.
31. The allegations in ¶¶ 57-64 contain legal conclusions to which no response is necessary. To the extent a response is necessary, any factual allegations contained therein are denied.
32. The allegations in ¶ 65 sets forth no factual allegations or legal conclusions of its own. To the extent that it incorporates prior allegations, the prior responses are also incorporated in response to it.
33. The allegations in ¶¶ 66-73 contain legal conclusions to which no response is necessary. To the extent a response is necessary, any factual allegations contained therein are denied.

34. The prayers for relief after ¶ 73 set forth legal conclusions to which no response is required. To the extent a response is necessary, any factual allegations are denied, and Defendants further deny that Plaintiff is entitled to any relief.

AFFIRMATIVE DEFENSES

35. Plaintiff failed to state any claim upon which relief can be granted.
36. Plaintiff failed to join necessary party the State of Oklahoma.
37. Plaintiff lacks standing
38. Defendants have sovereign immunity and are immune from suit.
39. Defendants have qualified immunity and are immune from suit.
40. The Court lacks subject-matter jurisdiction.

Respectfully Submitted,

s/ Andy N. Ferguson
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